

**RULES  
OF  
SECRETARY OF STATE**

**CHAPTER 1360—2—13  
ELECTRONIC VOTING MACHINES RULES AND REGULATIONS**

**TABLE OF CONTENTS**

1360—2—13—.01	Adoption and promulgation	1360—2—13—.21	Voting By Electronic Voting Machines
1360—2—13—.02	Intent of Regulations	1360—2—13—.22	Locking Machines Upon Close of Polls - Canvass and Proclamation of Votes
1360—2—13—.03	State Election Code Governs	1360—2—13—.23	Transporting Memory Cartridges and Remaining Election Material to County County Election Commission
1360—2—13—.04	Regulations Have Force of Law	1360—2—13—.24	Period Election Results To Remain Sealed in Machines and Memory Cartridges
1360—2—13—.05	Certification of Manufacturers	1360—2—13—.25	Options available to counties using electronic machines for early voting
1360—2—13—.06	Certification of Voting Machines	1360—2—13—.26	Procedures when all the races on machine ballot,
1360—2—13—.07	Certification of Voting Machines Using Computers to Tally Votes	1360—2—13—.27	Procedures when all the races on machine ballot, and part on paper ballot
1360—2—13—.08	Withdrawal of Voting Machines Using Computers To Tally Votes	1360—2—13—.28	Early Voting Inspections for Electronic Machines - Election Commission Pre-Inspection
1360—2—13—.09	Purchase by Counties	1360—2—13—.29	Early Voting Daily Opening Inspection
1360—2—13—.10	State Financing	1360—2—13—.30	Early Voting Daily Closing Inspection
1360—2—13—.11	Contract Requirements	1360—2—13—.31	Early Voting Election Day Procedures
1360—2—13—.12	Computer Availability	1360—2—13—.32	Safeguards and Security of Machines Used for Early Voting
1360—2—13—.13	Investigation by County Election Commission	1360—2—13—.33	Procedures for Machines with 9999 Voters
1360—2—13—.14	Machines Test	1360—2—13—.34	Early Voting Officials
1360—2—13—.15	Instruction of Election Officials	1360—2—13—.35	Notice of Penalty
1360—2—13—.16	Voter Education		
1360—2—13—.17	Computer use		
1360—2—13—.18	Preparation and Inspection of Machines foElections		
1360—2—13—.19	Write-In Procedure and Challenged and Rejected Ballots		
1360—2—13—.20	Examination and Final Preparation of Machines		

**1360—2—13—.01 ADOPTION AND PROMULGATION.** The following rules and regulations for the purchase and use of electronic voting systems in the State of Tennessee are hereby adopted and promulgated by the Coordinator of Elections of the State of Tennessee and approved by the Tennessee State Election Commission under the authority of *T.C.A. §2—9—110*.

**Authority:** *T.C.A. §2—11—201(c)*. **Administrative History:** *Original rule filed February 24, 1987; effective May 27, 1987.*

**1360—2—13—.02 INTENT OF REGULATIONS.** It is the intent of these regulations to provide for the use of electronic voting devices in the State of Tennessee in such a manner that:

- (a) The freedom and purity of the ballot is safeguarded.
- (b) The County Election Commissions in this state shall have the option, with the approval of the Coordinator of Elections and the State Election Commission, to use alternate electoral devices, the regulations of which are not presently provided in the Election Code of the State of Tennessee as embodied in Chapter 740, Public Acts of the General Assembly of Tennessee, 1972, (Title 2, *Tennessee Code Annotated*), as amended.
- (c) Each voter's vote will be accurately and honestly counted.
- (d) A uniform procedure for the use of an electronic system of voting will be in use throughout the State of Tennessee.
- (e) The total of votes cast will accurately reflect the will of the majority of voters voting in any given election.

(Rule 1360-2-13-.02, continued)

**Authority:** T.C.A. §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.03 STATE ELECTION CODE GOVERNS.** The Election Code of the State of Tennessee as embodied in chapter 740, Public Acts of the General Assembly of Tennessee, 1972 (Title 2, Tennessee Code Annotated) “as amended,” shall govern all elections conducted with the use of electronic voting devices except as otherwise necessarily modified by these regulations

**Authority:** T.C.A. §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.04 REGULATIONS HAVE FORCE OF LAW.** These regulations shall have the force of law until otherwise adopted, modified, amended, or repealed by the General Assembly of the State of Tennessee.

**Authority:** T.C.A. §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.05 CERTIFICATION OF MANUFACTURERS.**

- (1) No manufacturer of electronic voting devices may be certified in the State of Tennessee until it has proven to the satisfaction of the Coordinator of Elections of the State of Tennessee and to the Tennessee State Election Commission that:
  - (a) It has a history of ethical conduct in the sales and use of its equipment.
  - (b) It is financially responsible.
  - (c) Its equipment has been successfully used in other jurisdictions of the United States.
  - (d) It can affirmatively demonstrate that it has provided adequate assistance to jurisdictions purchasing its equipment; and
  - (e) It agrees that it will contract with each jurisdiction in the State of Tennessee, purchasing its voting devices, that it will provide adequate professional assistance to such jurisdictions for not less than the first two county-wide elections using such devices.

**Authority:** T.C.A. §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.06 CERTIFICATION OF VOTING MACHINES.**

- (1) No electronic voting machine or device will be approved for use in the State of Tennessee that does not:
  - (a) Provide facilities for voting for any candidates at both primary and general elections or at nonpartisan elections or at a combination of a nonpartisan and partisan primary and general elections.
  - (b) Permit a voter to vote for any person for any office, whether or not nominated as a candidate by a political party.
  - (c) Insure voting in absolute secrecy.

(Rule 1360-2-13-.06, continued)

- (d) Permit a voter to vote for any candidate or on any special measure for whom or on which such voter is lawfully entitled to vote.
- (e) Provide sufficient illumination to enable the voters while in the voting booth to read the ballot.
- (f) Permit each voter, at presidential elections, by pushing one button to vote for the candidates of any party for president, vice-president and their presidential electors.
- (g) Clearly indicate, through the use of ballot heading, proper differentiation and identification of the various primaries being voted on in any election.

**Authority:** T.C.A., §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.07 CERTIFICATION OF VOTING MACHINES USING COMPUTERS TO TALLY VOTES.** No voting devices using electronic computers for the tabulations of the results of any election shall be certified in the State of Tennessee unless such computers may be programmed to:

- (a) Reject all votes for any office or measure when the number of votes therefore exceeds the number which the voter is entitled to cast;
- (b) Reject all votes for an office or measure for which the voter is not entitled to vote;
- (c) Report the results by precinct for each office and each measure properly appearing on the ballot and periodically report cumulative totals throughout the counting procedure; and
- (d) Accurately report the results of each such primary and general election individually.

**Authority:** T.C.A., §2—11—201(c). **Administrative History:** Amendment filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.08 WITHDRAWAL OF CERTIFICATION.** Certification for any county may be withdrawn if, in the opinion of the Coordinator of Elections of the State of Tennessee or in the opinion of the Tennessee State Election Commission, a material violation of these Regulations has occurred in any election. This Section shall not be construed to encompass harmless errors of action or judgment or violations not affecting in any way, in the opinion of the Coordinator or the Commission, the result of any election. County election commissions are enjoined, however, to train all workers in their duties and responsibilities and to enforce their observance.

**Authority:** T.C.A., §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.09 PURCHASE BY COUNTIES.** No county election commission or county governing body shall purchase any electronic voting device not certified by the Coordinator of Elections with the approval of the State Election Commission. No county election commission and no county governing body shall purchase any electronic voting device certified by the Coordinator of Elections with the approval of the State Election Commission until application has been made to, and approval given by, the Coordinator of Elections and the State Election Commission.

**Authority:** T.C.A., §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.10 STATE FINANCING.** Any electronic voting device certified by the Coordinator of Elections with the approval of the State Election Commission shall qualify for state financing under T.C.A. §§ 2—9—112 through 2—9—114.

*Authority:* T.C.A., §2—11—201(c). *Administrative History:* Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.11 CONTRACT REQUIREMENTS.**

- (1) No county election commission and no county governing body shall enter into a contract for the purchase, lease, or lease-purchase of any electronic voting machines or devices unless such contract provides for adequate assistance by such manufacturer or sales agency to the county election commission for not less than the first two county-wide elections conducted with the use of such electronic voting machines or devices. The manufacturers or sales agency shall agree to provide as minimum assistance: educational materials, including films, newspaper copy, brochures, press kits, and radio scripts; on site computer operations training, including programming and printing ballots; written and personal instructions to polling official personnel; ballot layout forms, maintenance manuals, and adequate personnel to provide all such assistance.
- (2) One copy of every such contract entered into shall be supplied to the Coordinator of Elections of the State of Tennessee and one copy of every such contract shall be forwarded to the Chairman of the Tennessee State Election Commission.

*Authority:* T.C.A., §2—11—201(c). *Administrative History:* Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.12 COMPUTER AVAILABILITY.** No county election commission or county governing body may purchase any electronic voting devices or machines until computer availability for programming memory cartridges, printing ballots, and reading memory cartridges, is assured and an expert computer programmer is available. Such assurance and availability shall be evidenced by written contract; provided, however, that computer availability shall not be a prerequisite where the county purchases or leases from the manufacturer of the electronic voting machines, or from another electoral jurisdiction using identical voting equipment, a PC system and ballot printer for its own individual and exclusive use, and provided, further, that the expert computer programmer, (1) need not be a resident of the county, and (2) may be a representative of the manufacturer.

*Authority:* T.C.A., §2—11—201(c). *Administrative History:* Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.13 INVESTIGATION BY COUNTY ELECTION COMMISSIONS.** County election commissions shall have the responsibility for investigating the feasibility, necessity, or desirability of the use of electronic voting devices within their respective counties. No such voting machines shall be purchased by any county governing body unless and until such machines have been certified for use by such county's election commission. No such contract for purchase or lease shall be entered into until it is determined by the county election commission that such contract meets the minimum requirements of these regulations. Such county election commission shall have authority to add such other requirements to such contract as, in its discretion, may seem necessary or desirable for its county.

*Authority:* T.C.A., §2—11—201(c). *Administrative History:* Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.14 MACHINE TEST.** Each county election commission using electronic voting machines shall select a number of precincts equal to at least one percent (1%) of the number of precincts in the election and have all machines used in such precincts prepared for a test election. A test election shall then be conducted on each machine to assure that all office titles and candidate names are accurately printed, positioned and functioning properly.

(Rule 1360-2-13-.02, continued)

**Authority:** T.C.A., §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.15 INSTRUCTION OF ELECTION OFFICIALS.** Under the provisions of T.C.A. §2—4—108, the county election commission shall schedule in advance of each election a series of schools for all workers at polls. No worker shall be certified to work at any poll on election day who has not attended at least one of such schools.

**Authority:** T.C.A., §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—3—13—.16 VOTER EDUCATION.** The county election commission shall provide advance publicity through the news media and brochures on the method of voting on electronic voting machines. Such commission shall endeavor to secure maximum publicity, education and training for the voter prior to election day.

**Authority:** T.C.A. §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.17 COMPUTER USE.** The county election commission shall provide for the use of a computer capable of receiving and tallying all votes cast using electronic voting machines. The commission shall take adequate steps to insure that the program for each election is in its hands, and tested, at least twenty (20) days prior to each such election. The commission shall further require that the following safeguards be instituted to completely clear the computer equipment before vote tallying commences and insure that no other work is in process:

- (a) Secure the operating system and the application program.
- (b) Lock out unwarranted actions on the computer and log all actions.
- (c) Physically protect the computer after initial programming.
- (d) Program each memory cartridge to be used in the election and seal with a paper label, printed by the election commission computer, containing the machine's serial number. Such label is applied to the memory cartridge package in a location which requires its destruction to open the memory cartridge package.
- (e) Require written certification by appropriate persons that the foregoing actions were properly taken.

**Authority:** T.C.A., §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.18 PREPARATION AND INSPECTION OF MACHINES FOR ELECTIONS.**

- (a) Each county election commission, under the provisions of T.C.A. §2—9—105 shall have the proper ballot placed on the voting machines, shall have the machines put in proper order for voting, print a paper tape from each machine to verify that all registering counters are set at zero (000) and seal the “open polls” and “close polls” buttons, the rear door latch and the machine case with numbered seals.

(Rule 1360-2-13-.18, continued)

- (b) The respective county election commission shall have the sample ballot placed on the first machine to be used with each such ballot and the zero (000) print out, including machine numbers, for each machine shall be taped to the machine case for inspection by representatives of political parties and candidates. When the machines have been inspected, the commission or the voting machine technician shall make a certification in writing which shall be filed in the election commission office stating machine numbers, zero (000) counters, numbers registered on each protective counter and the number of each of the seals with which the machines are sealed.

**Authority:** T.C.A., §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.19 WRITE-IN PROCEDURE AND CHALLENGED AND REJECTED BALLOTS.** Any electronic voting system which has been certified as herein before provided which has the capability of allowing write-in votes on the machine itself, such write-in feature shall be utilized for the purpose of allowing a voter to write-in candidate(s) name(s) and no paper ballots shall be furnished for such purpose. However, notwithstanding the foregoing, any county election commission may, at the option of the local election commission, furnish paper ballots for the purpose of allowing a voter to write-in candidate(s) name(s) in lieu of allowing a voter to write-in votes on the machine itself upon publication of notice of same pursuant to T.C.A. §2—1—110 not less than ninety (90) days prior to the election in which paper ballots are to be used. The use of both paper ballots for write-in votes and the machine write-in feature during the same election is strictly prohibited. In the event the write-in feature on the machine is used and a voter is successfully challenged under T.C.A. §§ 2—7—124, 2—7—125 or 2—7—126 then he shall be allowed to vote on paper absentee ballot and such ballot shall be sealed and preserved as provided by law. Each county election commission shall record the ballot stub numbers of absentee ballots which are dispensed to each polling place for the purpose of challenged voters. Each county election commission shall determine the actual number of such ballots to be dispensed to each precinct.

**Authority:** T.C.A. §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.20 EXAMINATION AND FINAL PREPARATION OF MACHINES.** Under the provisions of T.C.A. §2—7—110, the officer shall give the judges the form on which the seal numbers and the protective counter number for each machine are recorded. The judges shall verify that the number registered on the protective counters and the number on the seals with which the machines are sealed correspond with the numbers recorded on the form, the judges shall then, with watchers and other officials observing, run the paper tape to verify that all counters register zero (000), and each judge shall sign the paper tape for certification. The judges shall then sign a certificate showing the numbers on the seals, the number registered on the protective counters and that the ballot is properly placed in the machine.

**Authority:** T.C.A. §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.21 VOTING BY ELECTRONIC VOTING MACHINES.** Under the provisions of T.C.A. §2—7—113 for at least the first two county wide elections in which electronic voting machines are used the machine operator shall fully instruct the voter on how to operate the machine.

**Authority:** T.C.A. §2—11—201(c). **Administrative History:** Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.22 LOCKING MACHINES UPON CLOSE OF POLLS—CANVASS AND PROCLAMATION OF VOTES.** Upon close of the polls the judges shall, under provisions of T.C.A. §2—7—130, lock the machines against voting and shall sign a certificate on the tally sheet that each machine has been locked against voting; the number of voters as shown on the public counters; and the number registered on the protective counter. The judges shall then, in the presence of watchers and others who are present, run the election results paper tape. The judges shall give the first paper tape, including pre-opening zero (000) tape, and the second paper tape to the precinct registrars. The third paper tape, from each machine, shall be posted on the wall of the polling place. The first results tape, including pre-opening zero (000) tape, from each machine and a precinct total tape shall be attached to the original tally sheet, and the second paper tape from each machine and a precinct total tape shall be attached to the duplicate tally sheet by the precinct registrars. Ample opportunity shall be given to any person present to obtain the results from the paper tapes posted on the wall of the polling place.

*Authority:* T.C.A. §2—11—201(c). *Administrative History:* Amendment filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.23 TRANSPORTING MEMORY CARTRIDGES AND REMAINING ELECTION MATERIALS TO COUNTY ELECTION COMMISSION.** The officer of elections, accompanied by either a judge or precinct registrar of another political party, as provided in T.C.A. §2—7—138, shall immediately deliver the memory cartridges and other election materials as specified by the county election commission. They shall travel in the same automobile and shall not be permitted to stop except as required by law or for emergency. At no time shall the memory cartridges and the certification materials be left unattended.

*Authority:* T.C.A. §2—11—201(c). *Administrative History:* Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.24 PERIOD ELECTION RESULTS TO REMAIN SEALED IN MACHINES AND MEMORY CARTRIDGES.** Under the provisions of T.C.A. §2—9—108, the election results shall be retained in all machines used in the election and the memory cartridge from each such machine shall remain sealed for ten (10) days after the election, or as much longer as may be necessary because of election contest.

*Authority:* T.C.A. §2—11—201(c). *Administrative History:* Original rule filed February 24, 1987; effective May 27, 1987.

**1360—2—13—.25 OPTIONS AVAILABLE TO COUNTIES USING ELECTRONIC MACHINES FOR EARLY VOTING.** County election commissions may use electronic voting machines for early voting. In determining the procedures of early voting for a county, the county election commission is granted the following options:

- (a) Placing all the races on the machine ballot; or
- (b) Placing part of the races on machine ballot and part of the races on paper ballot (e.g. District Races); or
- (c) Placing all the races on paper ballot.

Regardless of which option is chosen, no machine shall have more than 9999 voters using the machine during the specified time frame for early voting.

*Authority:* T.C.A. §§2—11—201(c), 2—6—104(d). *Administrative History:* Original rule filed October 20, 1994; effective February 28, 1995.

**1360—2—13—.26 PROCEDURES WHEN ALL THE RACES ARE ON MACHINE BALLOT.**

- (1) When the voter completes his or her early voting application, the registrar shall compare the signature of the voter with the signature on the voter's permanent registration record, or other evidence of identification if computerized duplicate registration records are used, and shall endorse on the application that the two signatures are, or are not, the same.
- (2) Any voter desiring to cast a write-in vote may request a paper ballot in order to write-in the name. This request must be made before operating a voting machine, and a voter after receiving a paper ballot may not enter a voting machine. For voters desiring to cast a write-in ballot, the procedures outlined in *T.C.A. §§2—7—114 and 2—7—117* shall apply.
- (3) If no write-in ballot is requested, the election official will complete and tear off the machine application on the bottom of the early voting application and hand it to the voter. The back of the voter's permanent registration record or the computer signature list will be marked recording his or her vote. The registrar shall write the name of the voter on the poll list. The voter shall give the machine application to the election official in charge of the voting machine. The election official shall initial the machine application and place it on the top of the application binder for that machine, set the machine for the correct elections, and set the officer's control. The voter shall vote in secret unless he or she needs assistance. Should the voter require assistance due to a physical disability or illiteracy, the procedures in *T.C.A. §2—7—116* will govern the rendering of that assistance.

**Authority:** *T.C.A. §§2—11—201(c), 2—6—104(d).* **Administrative History:** *Original rule filed October 20, 1994; effective February 28, 1995.*

**1360—2—13—.27 PROCEDURES WHEN PART OF THE RACES ARE ON MACHINE BALLOT AND PART ON PAPER BALLOT.**

- (1) When the voter completes his or her early voting application, the registrar shall compare the signature of the voter with the signature on the voter's permanent registration record or other evidence of identification if computerized duplicate registration records are used, and shall endorse on the application that the two signatures are, or are not, the same.
- (2) Any voter desiring to cast a write-in vote in any race included on the machine ballot, may request a paper ballot in order to write-in the name. This request must be made before operating a voting machine, and a voter after receiving a paper ballot may not enter a voting machine. For voters desiring to cast a write-in ballot, the procedures outlined in *T.C.A. §§2—7—114 and 2—7—117* shall apply.
- (3) If the voter does not wish to cast a write-in ballot, the voter shall be required to mark his or her paper ballot before entering the voting machine. This shall be strictly adhered to in order to prevent concerns about the conduct of the election and its fairness to all candidates on the ballot.  
The registrar shall hand the voter the following:
  - (a) Instructions.
  - (b) One paper ballot for each election in which the voter is eligible to vote.
  - (c) One security envelope for each of the voter's paper ballots.
- (4) The voter shall be shown that the ballot is unmarked. The voter shall mark his or her ballot in secret at the designated place in the office. After the voter marks his or her ballot, the voter shall fold the ballot, place it in the security envelope, and seal the envelope. In the presence of the election official, the voter shall sign the sworn statement on the security envelope and give the security envelope to the election official.



(Rule 1360-2-13-.27, continued)

- (5) The election official shall immediately sign the security envelope and deposit the envelope in the correct ballot box in the presence of the voter. Additionally, if assistance is required, it should be rendered according to *T.C.A. §2-7-116* and the person assisting should sign the envelope as well in the appropriate blank. The election official shall then complete the machine application and have the voter sign the application. Only after the paper ballot is turned in may the election official tear the machine application off the bottom of the early voting application and hand it to the voter. The individual's permanent registration record or the computer signature list will be marked recording that he or she voted in the election. The registrar shall write the name of the voter on the poll list.
- (6) The voter shall give the machine application to the election official in charge of the voting machine. The election official shall initial the machine application and place it on the top of the application binder for that machine. The election official shall set the machine for the correct elections and then set the officer's control. The voter shall vote in secret unless he or she needs assistance. Should the voter require assistance, the procedures outlined in *T.C.A. §2-7-116* will govern the rendering of that assistance.

**Authority:** *T.C.A. §2-11-201(c), 2-6-104(d). Administrative History: Original rule filed October 20, 1994; effective February 28, 1995.*

**1360—2—13—.28 EARLY VOTING INSPECTIONS FOR ELECTRONIC MACHINES - ELECTION COMMISSION PRE-INSPECTION.** The county election commission shall be required to pre-inspect every voting machine to be used in early voting prior to the start of early voting. Before examining the voting machines, the election commission shall mail notices to the chairpersons of the county executive committees of the political parties, independent candidates, and the press stating where and when the machines will be examined pursuant to *T.C.A. §2-9-105*. Prior to this pre-inspection by the election commission, the voting machine technician shall prepare each machine to be used for voting and record all counter numbers and seal numbers on the technician's certification. This form should be substantially identical to the certification form used for certification of voting machines at the polling places. All candidates' names, counter numbers and seal numbers shall be verified. The case shall then be sealed with a numbered seal and the number recorded on the technician's certification. In lieu of this inspection by the election commission, the commission may delegate its duty to examine the machines to the voting machine technician as provided in *T.C.A. §2-9-105(e)*.

**Authority:** *T.C.A. §2-11-201(c), 2-6-104(d). Administrative History: Original rule filed October 20, 1994; effective February 28, 1995.*

**1360—2—13—.29 EARLY VOTING DAILY OPENING INSPECTION.**

- (1) Prior to opening the voting machines on day one of early voting, the registrar and at least one election official representing each political party shall verify the case seal number from the technician's certification and open the machine. After the remaining seal numbers and the counter numbers have been verified and recorded on the Daily Machine Certification, the registrar and the political party representatives shall sign the Daily Machine Certification. If there is any discrepancy after the comparison with the technician's certification, a written report shall be made of the number, the machine involved and the names of the individuals present. This report shall be forwarded to the State Coordinator of Elections as well as to the chairman and secretary of the county election commission. This machine shall not be used without authorization from the State Coordinator of Elections.
- (2) After the registrar and election officials certify the machine, the "OPEN POLLS" seal shall be removed and the "OPEN POLLS" button pressed. The machine tape must now be dated and signed by the registrar and the representatives of the political parties. There shall be an "Application for Ballot" binder for each voting machine where the applications shall be kept in the order they are received.
- (3) A daily opening inspection shall be conducted each day prior to the machine(s) being placed in use for early voting.

**Authority:** T.C.A. §§2-11-201(c), 2-6-104(d). **Administrative History:** Original rule filed October 20, 1994; effective February 28, 1995.

- (1) At the close of voting hours for each day during the early voting period, the registrar and at least one election official representing each political party shall record and certify the protective counter number and the public counter number and all seal numbers on the Daily Machine Certification (see “Sample A”). Also at the end of each day, the applications for each machine shall be: counted, bound, dated, labeled by machine serial number and stored in a locked, secure place in the election commission office or at the satellite commission office if the county has chosen to use such. The total number of voters and the total number of “Applications for Ballot” shall also be recorded for each machine. After completion of this certification, a numbered seal shall secure the case, and this seal number shall be recorded. The Daily Machine Certification shall be signed by the registrar and the political party representatives. The machine(s) shall then be moved to a locked, secured place for overnight storage. Each county election commission shall secure prior written approval from the State Coordinator of Elections of the overnight storage location if the machines are stored at a location other than the county election commission office.
- (2) The daily closing inspection shall be conducted each day of the early voting period.

## EARLY VOTING BY PERSONAL APPEARANCE DAILY MACHINE CERTIFICATION

(1242 MACHINES) District(s) \_\_\_\_\_  
 \_\_\_\_\_ COUNTY Precinct(s) \_\_\_\_\_  
 Election Date: \_\_\_\_\_ Ward(s) \_\_\_\_\_  
 Election(s) Held: \_\_\_\_\_

10

**1360—2—13—.31 EARLY VOTING ELECTION DAY PROCEDURES (CLOSING POLLS).** After the close of the polls on election day, the registrar and the absentee counting board in the presence of those members of the county election commission who are present, shall verify and record the public counter number and the protective counter number and verify, record, and remove the numbered case seal and shall verify, record and remove the “CLOSE POLLS “ seal. The “CLOSE POLLS” button shall be pressed to ensure no additional votes may be cast on the machine. The printer door seal shall be verified, recorded and removed. The cartridge may then be removed from the machine and mechanically read and printed to retrieve the votes cast. The paper tape may be removed from the machine and filed with other early voting documents. A numbered seal shall secure the case, and the machine shall be stored in a secure place for return to the machine warehouse. This procedure shall be followed for each machine used for early voting.

*Authority:* T.C.A. §§2—11—201(c), 2—6—104(d). *Administrative History:* Original rule filed October 20, 1994; effective February 28, 1995.

**1360—2—13—.32 SAFEGUARDS AND SECURITY OF MACHINES USED FOR EARLY VOTING.**

- (1) The machines shall be stored overnight in a locked, secure place and shall not be removed until the election officials arrive for the next day of voting or until election day and close of the polls. The original daily record of inspection shall be kept in a secure, locked location inside the election office.
- (2) After the election has been certified, the original daily inspections shall be filed with other election materials. A certified copy of all daily inspections shall be provided to the State Coordinator of Elections at the same time as the Certification of Absentee Balloting (or Certification of Early Voting) as required in T.C.A. §2—6—304(f).
- (3) These procedures do not preclude any additional security measures being implemented by county election commissions.

*Authority:* T.C.A. §§2—11—201(c), 2—6—104(d). *Administrative History:* Original rule filed October 20, 1994; effective February 28, 1995.

**1360—2—13—.33 PROCEDURE FOR MACHINES WITH 9999 VOTERS.** No machine shall have more than 9,999 voters using a machine during the early voting period. In the event the public counter reaches 9,999, the machine shall be locked and removed from service. When the machine is removed from service, the date and hour of removal shall be recorded and certified on the “Daily Machine Certification”. The machine shall then be moved to a locked, secure place until election day and close of the polls.

*Authority:* T.C.A. §§2—11—201(c), 2—6—104(d). *Administrative History:* Original rule filed October 20, 1994; effective February 28, 1995.

**1360-2-13-.34 EARLY VOTING OFFICIALS.**

- (1) In any election in which voting machines are utilized, the county election commissions shall appoint a sufficient number of early voting officials to insure the integrity of the ballot and smooth operation of the election. Special attention shall be given to ensure that the voting machines are secured at all times to ensure against unauthorized use. The commission shall appoint two early voting officials. Members of the election commission representing the majority party shall appoint one official, and members representing the minority party shall appoint one official. In appointing additional early voting officials as need requires, the members of the commission of the majority and minority parties should continue to alternate in appointing officials.
- (2) Duties of the early voting officials shall be to assist the voter in casting his or her vote as allowed by law, including, but not limited to, the following: operating voting machines, attesting ballots, verifying signatures, completing applications, issuing ballots, assisting disabled voters, and conducting machine inspections. The registrar shall direct the early voting officials according to the election code in carrying out their duties. Early voting officials shall be given an oath as detailed in T.C.A. §2—1—111.

(Rule 1360-2-13-.34, continued)

**Authority:** T.C.A. §§2—11—201(c), 2—6—104(d). **Administrative History:** Original rule filed October 20, 1994; effective February 28, 1995.

**1360—2—13—.35 NOTICE OF PENALTY.** Each early voting machine shall have the following language labeled on a front door and on a back door:

“It is a class E felony to deface, mutilate, and/or tamper with a voting machine used by this county (T.C.A. §2—19—118).”

The letters for the label shall be a minimum of 3/4 inches tall.

**Authority:** T.C.A. §§2—11—201(c), 2—6—104(d). **Administrative History:** Original rule filed October 20, 1994; effective February 28, 1995.